

ORIGINAL



0000130802

BEFORE THE CORPORATION COMMISSION

RECEIVED

Commissioners

GARY PIERCE – Chairman

BOB STUMP

SANDRA D. KENNEDY

PAUL NEWMAN

BRENDA BURNS

2011 OCT 31 A 9 06

AZ CORP COMMISSION
DOCKET CONTROL

JOHN E. DOUGHERTY

COMPLAINANT

V.

**MONTEZUMA RIMROCK WATER
COMPANY, LLC.**

Docket No. W-04254A-11-0323

**CORRECTION TO FIX
MISSING PAGE IN
EXHIBIT 1 IN MOTION TO
COMPEL DISCOVERY**

BY THE COMPLAINANT:

Undersigned hereby submits a complete Exhibit 1 to the Motion to Compel Discovery and Motion to Set Deadline for Production of Documents or Face Contempt. The attached exhibit includes Page 2 from the Subpoena Duces Tecum that was missing in the exhibit that was docketed at 3:42 p.m., October 28, 2011.

Dated this 31st Day of October, 2011

John E. Dougherty
Complainant

Copies of the foregoing mailed
This 31st Day of October, 2011 to:

Douglas C. Fitzpatrick
Law Office of Douglas C. Fitzpatrick
49 Bell Rock Plaza
Sedona, AZ 86351

Patricia D. Olsen, Manager
Montezuma Rimrock Water Company, LL
PO Box 10
Rimrock, AZ 86335

Arizona Corporation Commission
DOCKETED

OCT 31 2011

DOCKETED BY	
-------------	--

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 **COMMISSIONERS**

3 GARY PIERCE- Chairman
4 BOB STUMP
5 SANDRA D. KENNEDY
6 PAUL NEWMAN
7 BRENDA BURNS

8 JOHN E. DOUGHERTY,
9 COMPLAINANT

10 VS.

11 MONTEZUMA RIMROCK WATER
12 COMPANY, LLC,
13 RESPONDANT

DOCKET NO. W-04254A-11-0323

**ADMINISTRATIVE
SUBPOENA DUCES TECUM**

14 TO: Patricia Olsen
15 c/o Mr. Douglas Fitzpatrick
16 Law Office of Douglas Fitzpatrick
17 49 Bell Rock Plaza
18 Sedona, AZ
19 86351

20 YOU ARE HEREBY COMMANDED, pursuant to A.R.S. §§ 40-241, 40-244, A.A.C. R14-
21 3-109 and Ariz. R. Civ. P. 30 and 45 to produce for inspection and copying the following
22 records prior to the October 25, 2011 Procedural Conference in the above-captioned action:

- 23 1. All loan payments made by the Montezuma Rimrock Water Company for a vehicle (White,
24 PT Cruiser) normally driven by Company manager Patricia Olsen. This includes, but is not
25 limited to, all payments made to Bank of the West.
- 26 2. All Company funds used to make the down payment, including state and local sales taxes,
27 on the PT Cruiser.
- 28 3. The Arizona Department of Motor Vehicles title for the PT Cruiser.
- 29 4. The complete record of all payments made by the Company to Toyota and the purpose for
30 such payments. If these payments were in connection for a loan payment for a Toyota vehicle,
31 please provide the title for this vehicle.

32 Persons with a disability may request a reasonable accommodation such as a sign language
33 interpreter, as well as request this document in an alternative format, by contacting Shaylin A. Bernal,
34 Executive Assistant to the Executive Director, voice phone number 602-542-3931, e-mail
35 sabernal@azcc.gov. Requests should be made as early as possible to allow time to arrange the
36 accommodation.

1 5. The complete record of all payments made by the Company for title and registration fees
2 for all vehicles and a copy of the title associated with each payment, whether the vehicle is
3 titled to the Company or to private parties.

4 6. The complete records of all Company paid motor vehicle insurance policies including an
5 accounting of all premiums paid by the Company from the date of the first payment.

6 7. The complete record of all credit card bills, including the record of goods and services
7 purchased, that have been paid for with Company funds dating back to the Company's first
8 payment towards the Credit Card bill. This request includes, but is not limited to, the
9 following Credit Cards:

- 10 A. Chase Bank
- 11 B. Kohl's Department Store
- 12 C. American Express

13 (If these records are not available, please provide a waiver giving permission to Complainant
14 to obtain such records directly from the Credit Card Company. This waiver is to include all
15 identifying information necessary to obtain such information.)

16 8. The complete accounting record of mortgage payments to Wells Fargo Bank, or any other
17 mortgage lenders, made by the Company from the date the first payment was made. This
18 includes, but is not limited to, mortgage loan statement(s) for the property, or properties, that
19 are receiving or have received Company funds for mortgage payments.

20 9. The complete record of all Company payments made for "Student Loan" from the date of
21 the first payment for "Student Loan". Please identify the person who incurred the "Student
22 Loan" and their relationship to the Company.

23 10. The complete for the Company's Chase Bank account, or accounts, from the date the
24 account, or accounts, were opened to the date they were closed. If the Chase bank statements
25 are not in the possession of the Company, or its accountant, please provide a waiver giving
26 permission to Complainant to obtain such records directly from Chase Bank.

27 11. The complete record of payments made by the Company in connection with a \$32,000
28 loan received from Anna Barbara Brunner in connection with the Company's purchase of a
residential lot (Parcel # 405-25-517). This includes, but is not limited to, the following:

- A. The promissory note.
- B. Loan repayment invoices and records of payments.
- C. The amortization schedule.
- D. Any loan forbearance or forgiveness documentation.
- E. Any agreement for valuable consideration to be provided by Montezuma Rimrock
Water Company to Ms. Brunner, including, but not limited to, free or discounted
water delivered to Ms. Brunner's home.

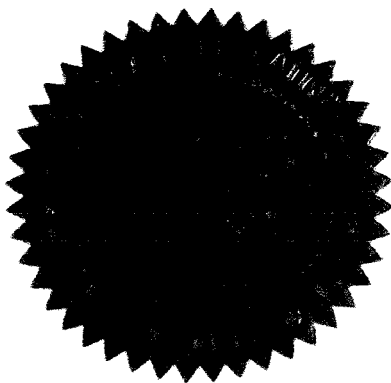
1 12. All communications between the Company and the Company's proposed Lessor of
2 an Arsenic Treatment Facility that discuss in any way the terms of the proposed arrangement
3 whereby the Lessor would provide the equipment necessary for the Company to meet State
4 and Federal Arsenic treatment standards.

5 YOU HAVE BEEN SUBPOENED BY:

6 JOHN E. DOUGHERTY
7 Complainant
8 Docket W-4254A-11-0323
9 PO BOX 501
RIMROCK, AZ 86335
602-710-4089
Jd.investigativemedia@gmail.com

10 DISOBEDIENCE OF THIS SUBPOENA constitutes contempt of the Arizona Corporation
11 Commission and may subject you to further proceedings and penalties under law, pursuant to A.R.S.
12 § 40-424.

13 Given under by hand the seal of the Arizona Corporation Commission this 18th day
14 of October, 2011.

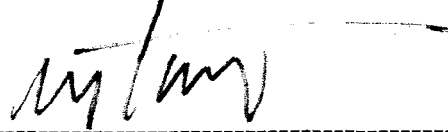


Ernest G. Johnson, Executive Director
Arizona Corporation Commission

27 Persons with a disability may request a reasonable accommodation such as a sign language
28 interpreter, as well as request this document in an alternative format, by contacting Shaylin A. Bernal
Executive Assistant to the Executive Director, voice phone number 602-542-3931, e-mail
sabernal@azcc.gov. Requests should be made as early as possible to allow time to arrange the
accommodation.

**Acceptance of Service
Arizona Corporation Commission
Subpoena Duces Tecum**

I hereby acknowledge that I have been served with an Arizona Corporation Commission Subpoena Duces Tecum dated October 18, 2011 in reference to Docket No. W-0425A-11-0323, John E. Dougherty, Complainant vs. Montezuma Rimrock Water Company.



Mr. Douglas Fitzpatrick
(On Behalf of Patricia Olsen)
Law Office of Douglas Fitzpatrick
49 Bell Rock Plaza
Sedona, AZ 86351

Time

Date

Or on Mr. Fitzpatrick's behalf by an official with
Law Office of Douglas Fitzpatrick

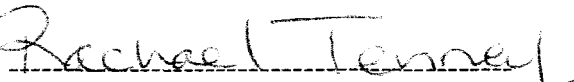
Name (Printed)

Time

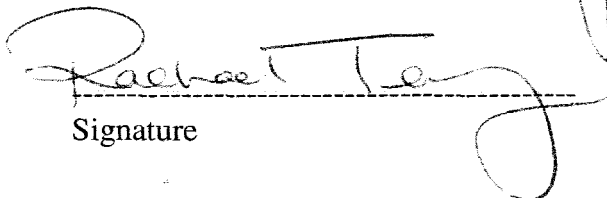
Date

Title

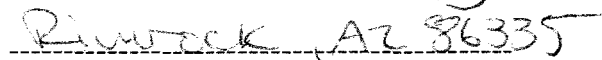
I certify that I am an adult over the age of 18 residing in the state of Arizona and served the above subpoena to Douglas Fitzpatrick, or an official at the Law Office of Douglas Fitzpatrick, at 11:17 on the 19th Day of October, 2011.



Name (Printed)



Signature



Address